

CPS IS INVOLVED

Identification of the IDEA Parent

The Service Coordinator is responsible for identifying the parent under the Individuals with Disabilities Education Act (IDEA) when a child is referred who is in the care and custody of Child Protection Services.

- If the biological parent (bio parent) is available, has not had their rights severed, and is willing to participate in the process then they are the IDEA parent, and the team proceeds with the initial planning process.
- If the SC cannot locate the bio parent, then the SC needs to contact CPS. If the bio parent still cannot be located the SC may proceed with someone else who may serve as the IDEA parent (see box at right).
- If the bio parents are available and do not want to proceed document that decision and exit the referral.

If the foster family is concerned about the need for AzEIP support and the bio family has decided against AzEIP remind them that they can utilize CMDP services to address these needs.

Documentation

It is imperative that all efforts to identify the IDEA parent are documented. The service coordinator must also note in I-TEAMS on the child demographic page that CPS is involved.

Definition of Parent under IDEA:

- **Biological or adoptive parent**
- **Foster parent**
- **Guardian**
- **Grandparent, stepparent, or other relative with whom the child lives**
- **Surrogate Parent**



When more than one individual is qualified to act as a parent for the child, the biological or adoptive parent who attempts to act as the parent is presumed to be the parent for purposes of making early intervention decisions on behalf of the child, unless:

A. that person does not have legal authority to make educational decisions for the child (such as when parental rights have been terminated); or

B. there is a judicial order or decree specifying that some other individual to act as the parent for early intervention purposes.

If the biological parent can be located or if they attempt to act as the parent they are the IDEA parent.

SCRIPT

With the Foster Family:

"I know that you made a referral for the child. I want you to know that we have to first make contact with the biological family. Under the Individuals with Disabilities Education Act, which is the law that governs AzEIP, the biological parent is assumed the parent for this process. We will talk to them about the referral, depending on the result we may proceed with the development of the Individualized Family Service Plan with them, with both of you, or with you alone."

With the Biological Family:

"A referral to AzEIP was made for your child and family. Under the Individuals with Disabilities Education Act, which is the law that governs AzEIP, as the biological parent you are assumed the parent for this process. If you would like to proceed with the referral we can determine if your child is eligible. Since your child is not living with you it may be a good idea to involve the foster family in this process. How would you like to proceed?"

With the CPS Worker:

"I know that you made a referral for the child. I want you to know that we have to first make contact with the biological family. Under the Individuals with Disabilities Education Act, which is the law that governs AzEIP, the biological parent is assumed the parent for this process. We will talk to them about the referral, depending on the result we may proceed with the development of the Individualized Family Service Plan with them, with the foster family as part of that process or with the foster family and not the biological family. If you would like further information about the process, you must submit a request using the Uninterrupted Scholars Act Letter, CPS IMP LT Obtain Educational Records in Care 2013– Records Request when a child is award of the Court in the legal care, custody and control of the State or CPS IV LT Obtain Educational Records for child who is subject to a CPS Investigation."



The Service Coordinator is responsible for documenting all attempts to contact the biological parent. This includes going back to CPS to request updated contact information for the biological parent.

If foster families are concerned about the child's development and the biological parent does not want them involved in the process or do not want to proceed with the referral, the foster family may access services through CMDP.